

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

PLAINTIFF,

VS.

VICTOR BUSTOS

DEFENDANT,

2:08-CR-349-KJD-PAL

MINUTES OF THE COURT

DATED: October 31, 2011

PRESENT:

THE HONORABLE **KENT J. DAWSON**, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: FELICIA ZABIN

PRESENT FOR PLAINTIFF: MICHAEL CHU AND DANIEL SCHIESS

PRESENT FOR DEFENDANT: REBECCA ROSENSTEIN AND JONATHAN SUSSMAN

JURY TRIAL - DAY 1

Proceedings begin at 9:07 AM. Defendant is present, on bond. Special Agent Lance Kidwell and Defense Investigator Glen Meek are present. The jury is not present.

The hears argument on recently filed motions. IT IS THE ORDER OF THE COURT that Defendant's SEALED motion [95] is denied. The Court will not rule on [88] Government's Motion in Limine to Exclude Defendant's Expert but invites counsel to craft a jury instruction to address the legal definition of substantial work. The Court will not rule on [92] Defendant's Motion in Limine to Preclude the Admission of Government's exhibits 15, 17-21. IT IS FURTHER ORDERED that Defendant's Motion for Attorney Conducted Voir Dire [85] is denied.

51 prospective jurors enter the Courtroom at 9:43 AM, and are sworn. Voir dire begins. Based on the answers provided by Juror 300468144, pool seq. 05-0028, IT IS ORDERED that this juror is to complete 12 hours community service in lieu of jury service. The jury panel is passed for cause. Those proposed jurors who were not called during voir dire are thanked and excused. Proposed jurors 1-36 exit the courtroom at 11:25 AM. Off the record, counsel exercise peremptory challenges.

Proceedings reconvene at 12:15 PM. All parties are present. The proposed jurors are present. 14 jurors are seated and sworn to try this matter. The remainder are thanked and excused.

The jury exits at 12:20 PM. Counsel and the Court confer with regard to various issues. Mr. Chu presents criminal history printouts of certain witnesses for the Court's in camera review.

Proceedings recess from 12:30 PM to 1:30 PM. The jury is not present.

The Court hears argument from counsel regarding various issues. The Government will withdraw exhibits 17 through 21. The Court GRANTS Defendant's Motion in Limine [92] with regard to those exhibits and denies it as to exhibit 15.

USA vs. Bustos
2:08-cr-349-KJD-PAL
October 31, 2011
Page 2

The Court hears argument regarding the copies of the hand-written notes provided to Defense counsel this morning. Ms. Rosenstein marks the notes as Defendant's exhibit 500 and asks that they be sealed. The Court reviews the notes and makes findings.

The jury enters at 1:54 PM.

Mr. Chu presents the Government's opening statement. Mr. Sussman presents Defendant's opening statement.

Armando Navarro is sworn to testify as a witness for the Government. Mr. Chu and Mr. Sussman examine the witness. The witness is excused.

Michael Esparza is sworn to testify as a witness for the Government. Mr. Schiess examines the witness.

Proceedings recess from 3:28 PM to 3:50 PM. The jury is present.

Michael Esparza resumes the witness stand. Mr. Schiess examines the witness.

IT IS ORDERED: jury trial resumes at 9:00 AM on November 1, 2011.

Jury exits at 4:38 PM. Outside the presence of the jury: Ms. Rosenstein lodges a running objection to checks that will be introduced into evidence tomorrow.

Proceedings recess at 4:40 PM.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT

/s/ Peggie Vannozzi
Deputy Clerk